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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,113	03/03/2004	Philip G. Morton	7835	3896

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EXAMINER	
KWIECINSKI, RYAN D	
ART UNIT	**PAPER NUMBER**
3635	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/792,113	MORTON, PHILIP G.	
	Examiner	Art Unit	
	Ryan D. Kwiecinski	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *18-20* is/are allowed.

6)☒ Claim(s) *1-4,7,12,14 and 15* is/are rejected.

7)☒ Claim(s) *5,6,8-11,13,16 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/1/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-20 have been examined in this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0189743 A1 to Hornung et al.

Claim 1:

Hornung et al. teaches a window assembly comprising a rectangular outer sash frame including a set of elongated sash frame members of extruded rigid plastics material with said sash frame members rigidly connected at corner portions of said sash frame (Page 3, Para.55), a set of parallel spaced rectangular inner and outer glass panels (164,160, Fig. 20D) surrounded by said outer sash frame, said sash frame members including flange portions projecting laterally inwardly and overlapping a

peripheral edge portion of said outer glass panel (110, Fig.20A), said flange portions having integral flexible lip seals engaging said outer glass panel (Page 5, Para.75), a rectangular inner sub-sash frame disposed within said outer sash frame (162D, Fig.25) and including elongated sub-sash frame members of extruded rigid plastics material (Page 7, Para. 91), said sub-sash frame members including laterally inwardly projecting flange portions overlapping a peripheral edge portion of at least one of said glass panels (the horizontal inner flange, Fig.25), a bonding material securing said flange portions of said sub-sash frame members to said peripheral edge portion of said one glass panel (Page 7, Para.93), a set of elongated glazing members of extruded plastics material (Page 5, Para.78; 108A-D, Fig.15), said glazing members including laterally inwardly projecting flange portions overlapping a peripheral edge portion of said inner glass panel (the thin horizontal component overlapping the pane, Fig.14), and said glazing members including retaining portions engaging said outer sash frame (the engagement of the glazing member and the outer sash, Fig.14).

Claim 2:

Hornung et al. teaches a window assembly as defined in claim 1 wherein said sash frame members and said sub-sash frame members have longitudinally extending interfitting portions limiting lateral movement of said sub-sash frame within said sash frame (163 and recess in the flange of 100, Fig.23).

Claim 3:

Hornung et al. teaches a window assembly as defined in claim 1 wherein sub-sash frame members are rigidly connected at corner portions of said sub-sash frame (Fig.26).

Claim 7:

Hornung et al. teaches a window assembly as defined in claim 1 wherein said inner sub-sash frame closely surrounds and covers outer peripheral edge surfaces of said glass panels (167,165, Fig.25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0189743 A1 to Hornung et al.

Claim 4:

Hornung et al. teaches a window assembly as defined in claim 3, but does not teach wherein said sub-sash frame members are mitered and welded at said corner portions of said sub-sash frame.

Hornung et al. does teach the glazing members being mitered and welded at said corner portions (Page 6, Para. 82). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the same procedure to rigidly connect the extruded plastic sub-sash frame members of Hornung's window sash. Using miter cuts and rigidly welding plastic extrusions together at the mitered edges is notoriously well known in the art.

Claims 12,14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,945,269 to Domen in view of US 2002/0189743 A1 to Hornung et al.

Claim 12:

Domen teaches a window assembly comprising a rectangular outer sash frame including a set of elongated sash frame members, said sash frame members rigidly connected at corner portions of said sash frame (Fig.1), a set of parallel spaced rectangular inner and outer glass panels ((19,13,Fig.2) surrounded by said outer sash frame (11, Fig.2), said sash frame members including flange portions projecting laterally inwardly and

overlapping a peripheral edge portion of said outer glass panel (14, Fig.2), a rectangular inner sub-sash frame disposed within said outer sash frame (18, Fig.2) and including elongated sub-sash frame members, said sub-sash frame members including laterally inwardly projecting flange portions overlapping a peripheral edge portion of at least one of said glass panels (28, Fig.2), a bonding material securing said flange portions of said sub-sash frame members to said peripheral edge portion of said one glass panel (21, Fig.2), a set of elongated glazing members (35,Fig.2)), said glazing members including laterally inwardly projecting flange portions overlapping a peripheral edge portion of said inner glass panel (flange from 40 up to 35, Fig.2), and said glazing members including retaining portions releasably engaging said outer sash frame (38, Fig.2) and spring-like flange portions releasably engaging said sub-sash frame (37, Fig.2).

Domen does not teach wherein the sash frame members, the sub-sash frame members, and the glazing members are extruded plastic material.

Hornung et al. teaches wherein the sash frame members, the sub-sash frame members, and the glazing members are extruded plastic material (Page 3, Para.55; Page 6, Para.82; Page 7, Para.91). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the three frame members of Domen's window structure from an extruded plastics material. Extruding frame members from a plastics material is very well known in the art since

plastics have outstanding physical characteristics such as reduced weight and increased weather resistance.

Claim 14 and 15:

Domen and Hornung et al. teach a window assembly defined in claim 12 and 14 respectively, Hornung et al. teaches wherein sub-sash frame members are rigidly connected at corner portions of said sub-sash frame (Fig.26). Hornung et al. also teaches the sub-sash members to be mitered and welded at said corner portions (Page 6, Para.82).

It would have been obvious to use Hornung's rigidly secured inner sub-sash frame in Domen's window structure to provide a better overall rigidity to the finished window product. Using a miter cut on the ends of extruded plastic members and connecting the members by means of welding is extremely well known in the art.

Allowable Subject Matter

Claims 5-6, 8-11, 13, and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-20 are allowed over prior art because the combination of an outer sash and an inter sash with interlocking portions and spring-like glazing members is not taught or adequately suggested in the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

Basil Kashnikow
PRIMARY EXAMINER
ART UNIT 3635
2/14/07